

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JIMMY LEE DAVIS,  
Plaintiff,

v.

CITY OF SAN FRANCISCO,  
Defendant.

Case No. [17-cv-06387-SI](#)

**ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DISMISSING CASE WITHOUT  
PREJUDICE FOR FAILURE TO  
PROSECUTE**

Re: Dkt. No. 10

On January 30, 2018, Magistrate Judge Ryu issued a report and recommendation (the "Report") in this case. Dkt. No. 10. The Report recommends dismissing this action without prejudice for failure to prosecute pursuant to Rule 41(b). Pursuant to 28 U.S.C. § 636(b)(1), the parties had fourteen days from service of the Report to file written objections. *See also* Fed. R. Civ. P. 72(b). Plaintiff did not file an objection to the Report, nor has plaintiff taken any action in this case since it was removed to this Court.<sup>1</sup>

The Court has reviewed the Report and the docket in this case. The Court agrees with Judge Ryu's analysis, and accordingly, the Court ADOPTS the Report and Recommendation and DISMISSES this action without prejudice for failure to prosecute pursuant to Rule 41(b).

**IT IS SO ORDERED.**

Dated: February 15, 2018



SUSAN ILLSTON  
United States District Judge

<sup>1</sup> Judge Ryu noted that a court order mailed to plaintiff had been returned as undeliverable. Dkt. No. 8. However, plaintiff has not filed a change of address or provided any other reliable means of contacting him, and the Court remains unable to reach plaintiff.